

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

EPIC GAMES, INC.,

Plaintiff, Counter-  
defendant

v.

APPLE INC.,

Defendant,  
Counterclaimant.

Case No. 4:19-cv-03074-YGR

**[PROPOSED] ORDER RE: EPIC GAMES,  
INC.'S ADMINISTRATIVE MOTION TO  
SEAL PORTIONS OF ITS EXPERT  
WRITTEN DIRECT EXAMINATIONS**

Pursuant to Civil Local Rule 79-5, Defendant Epic Games, Inc. filed an Administrative Motion to Portions of Its Expert Written Direct Examinations (the “Administrative Motion”). In response, Defendant Apple Inc. (“Apple”) filed the supporting declaration of Rachel S. Brass.

Having considered the Administrative Motion, all associated declarations, exhibits, and any argument of counsel, and for good cause appearing:

**IT IS HEREBY ORDERED** that the Administrative Motion is **GRANTED IN PART**.

Accordingly,

(1) The unredacted versions of the documents sought to be sealed by the Administrative Motion shall remain under seal;

(2) The public shall have access only to the versions of the documents sought to be sealed by the Administrative Motion in which portions of the following pages have been redacted:

Document or Portion of Document Sought to be Sealed	Reason for Redaction / Evidence Offered In Support of Sealing	Ruling
Evans Opening ¶ 141	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Opening ¶ 149	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Opening ¶ 151	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Opening ¶ 153	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Opening ¶ 154	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Opening ¶ 182	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Opening ¶ 183	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	

Document or Portion of Document Sought to be Sealed	Reason for Redaction / Evidence Offered In Support of Sealing	Ruling
Evans Opening ¶ 184	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Opening ¶ 188	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Opening ¶ 189	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Opening ¶ 229	Contains confidential information that could be used to evade Apple’s security protocols / Brass Decl. ¶¶ 14–15	
Evans Opening ¶ 270(i)	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Opening ¶ 288	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Opening ¶ 295	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–11	
Evans Opening n. 3	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–11	
Evans Opening n. 46	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Evans Opening n. 47	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Opening n. 48	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Opening n. 49	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	

Document or Portion of Document Sought to be Sealed	Reason for Redaction / Evidence Offered In Support of Sealing	Ruling
Evans Opening n. 50	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Opening n. 51	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Opening n. 52	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Opening n. 74	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Opening n. 77	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Opening n. 105	Contains confidential information that could be used to evade Apple’s security protocols / Brass Decl. ¶¶ 14–15	
Evans Opening n. 108	Contains confidential information that could be used to evade Apple’s security protocols / Brass Decl. ¶¶ 14–15	
Evans Opening n. 126	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–11	
Evans Opening Figure 2	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Opening Figure 3	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Opening Figure 4	Contains confidential information that could be used to evade Apple’s security protocols / Brass Decl. ¶¶ 14–15	
Evans Opening Figure 5	Contains confidential information that could be used to evade Apple’s security protocols / Brass Decl. ¶¶ 14–15	
Evans Opening Table 3	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	

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Evans Opening Table 4	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Opening Table 7	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Opening Table 8	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Barnes Opening ¶ 2	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening ¶ 4	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening ¶ 5	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening ¶ 6	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening ¶ 7	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening ¶ 8	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening ¶ 9	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening ¶ 10	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	

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Barnes Opening ¶ 11	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening ¶ 12	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening ¶ 13	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening ¶ 14	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening ¶ 15	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening ¶ 16	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening ¶ 17	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening ¶ 18	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening ¶ 19	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening ¶ 20	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening ¶ 21	Contains non-public financial information that, if disclosed, would put Apple at a competitive	

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	disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening ¶ 25	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening ¶ 27	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening n. 1	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening graphic on page 3	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening graphic on page 5	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening graphic on page 9	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening graphic on page 11	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening Table 1	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening Table 2	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Barnes Opening Table 3	Contains non-public financial information that, if disclosed, would put Apple at a competitive	



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	disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Rossi Opening ¶ 49	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Cragg Rebuttal ¶ 56	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Cragg Rebuttal Figure 4	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Cragg Rebuttal ¶ 57	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Cragg Rebuttal ¶ 94	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Cragg Rebuttal Figure 18	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Cragg Rebuttal ¶ 95	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Cragg Rebuttal ¶ 99	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Cragg Rebuttal Figure 21	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Cragg Rebuttal ¶ 100	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Cragg Rebuttal Figure 22	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Cragg Rebuttal ¶ 102	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	



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Cragg Rebuttal Figure 23	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Cragg Rebuttal ¶ 103	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Cragg Rebuttal Figure 24	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Cragg Rebuttal ¶ 105	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Cragg Rebuttal Figure 25	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Rebuttal Table of Contents	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Rebuttal ¶ 2	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Rebuttal ¶ 34	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Rebuttal n. 38	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Rebuttal ¶ 36	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Rebuttal ¶ 40	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Rebuttal ¶ 42	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Rebuttal ¶ 43	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	

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Evans Rebuttal ¶ 44	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Rebuttal ¶ 45	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Rebuttal n. 50	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Rebuttal n. 52	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Rebuttal n. 54	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Rebuttal ¶ 46	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage and potentially mislead the investing public / Brass Decl. ¶¶ 8–10, 12	
Evans Rebuttal ¶ 47	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Rebuttal ¶ 49	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Rebuttal n. 58	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Rebuttal n. 59	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Rebuttal ¶ 64	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Evans Rebuttal ¶ 71	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	

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Evans Rebuttal ¶ 74	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Lee Rebuttal ¶ 35	Contains confidential information that could be used to evade Apple’s security protocols / Brass Decl. ¶¶ 14–15	
Lee Rebuttal n. 18	Contains confidential information that could be used to evade Apple’s security protocols / Brass Decl. ¶¶ 14–15	
Mathiowetz Rebuttal ¶ 12	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Mathiowetz Rebuttal ¶ 70	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Mathiowetz Rebuttal ¶ 71	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Mathiowetz Rebuttal n. 9	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	
Mathiowetz Rebuttal n. 10	Contains non-public financial information that, if disclosed, would put Apple at a competitive disadvantage / Brass Decl. ¶¶ 8–10	

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_, 2021

\_\_\_\_\_  
The Honorable Yvonne Gonzalez Rogers  
United States District Judge